

Serial No. 10/734,214
In re Office Action dated February 10, 2006
Amendment dated May 10, 2006

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figs 1, 3, and 7. These sheets replace the original sheets of Figs. 1, 3, and 7. In Fig. 1, previously omitted reference numeral 1 has been added. In Fig. 3 previously omitted reference numerals 102 and 108 have been added. In Fig. 7, previously omitted reference numeral 90 has been added.

REMARKS

Claims 1-12 are presently in the application. The above amendments are being made to place the application in better condition for examination.

The examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they are missing the following reference numerals: reference numeral 1 is missing from Fig. 1; reference numeral 30 is missing from Fig. 2; and reference numeral 90 is missing from Fig. 7. Substitute sheets of drawing are included in this amendment incorporating the required changes. With regard to reference numeral 30 missing from Fig. 2, the specification has been amended to clarify that reference numeral 30 is shown in Fig. 1.

The examiner has objected to the drawings under 37 CFR 1.83(a) because the arrangement of the sensor as described in the specification and claims is missing from Figs. 1-3. Paragraph 0026 indicates that the sensor and restoring spring elements are not shown in Fig. 1 for the sake of simplicity. Paragraphs 0031 and 0037 of the application describe the arrangement of the elements of the sensor with reference to Figs. 1-3. Fig. 3 has been amended by the attached substitute sheet to include reference numerals indicating the rotation sensor 102 and the sensor housing 108.

The examiner has objected to the drawings for failing to comply with 37 CFR 1.84(p)(4) because reference numeral 78 designates both the bearing region and the hollow peg. Paragraph 0039 describes element 78 as a hollow peg, and element 74 as the outer radially circumferential surface of the hollow peg 78. Reference numeral 78 has been deleted in claim 1 so as not to designate the bearing region.

The examiner has objected to the drawings under 37 CFR 1.83(a) for not showing every feature of the invention specified in the claims. The drawings do not show the driver 110 being integral with the pedal lever 2 (claim 9) or the recess 114 being integral with the bearing block 4 (claim 11). These features have been deleted from the claims.

Claims 1, 2, and 3 have been rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,295,409 to Byram et al.

Claim 1 is directed to an accelerator pedal module (1) for controlling the power of a driving engine, in particular an internal combustion engine of a vehicle, comprising,

a bearing block (4),

a pedal lever (2) retained rotatably about a pivot axis (20) on the bearing block (4),

a rotation sensor (102) having a sensor shaft (100) actuated by the pedal lever (2), the sensor shaft being coaxial with the pivot axis (20), and

at least a part (104) of the sensor shaft (100) being directly supported rotatably in a bearing bore (98) of a bearing region that is integral with the bearing block (4), of which bearing region at least a part of a radially outer surface forms at least one bearing face (74, 82) for the pedal lever (2), *and wherein the bearing block is embodied as a one-piece, molded part.*

Byram et al is relied upon for showing bearing block 65, pedal lever 14, rotation sensor 34, sensor shaft 12, bearing bore 18, bearing faces 18, 28, hollow peg 18, and a plurality of partly cylindrical bearing faces 84. It appears the examiner has interpreted the term “integral” to mean joined together in any manner essential for completeness and the term “bearing region” to mean any bearing or combination of bearings allowing for rotation of the

pedal. Paragraph 0029 of the application defines the bearing block to be embodied as a one-piece plastic injection-molded part, of which all of the elements form one integral component. Claim 1 has been amended to include language which more clearly defines the invention, namely that the components of the bearing block are integral as defined in the specification, in order to distinguish these features over the reference. Reconsideration of the rejection is respectfully requested.

Claims 4 and 5 have been rejected under 35 USC 103 as being unpatentable over Byram et al in view of US Patent No. 5,385,068 to White et al. Claims 6-12 have been rejected under 35 USC 103 as being unpatentable over Byram et al in view of White et al, and further in view of US Patent No. 5,805,376 to Papenhagen et al.

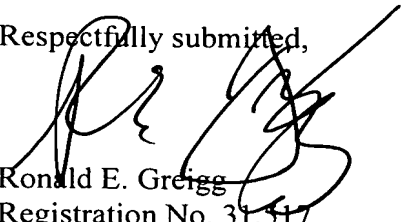
The amendments to the claims require that the elements of the bearing block be embodied as a "one-piece, molded part." Byram et al lacks a showing that the elements are formed as a "one-piece, molded part" as discussed above. Since White et al and Papenhagen et al are relied upon for showing elements lacking in Byram et al, none of the references taken alone or in combination show or suggest the invention as claimed.

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The above amendments to the claims render the rejection of the claims under 35 USC 103 moot. Therefore, reconsideration of the rejections is respectfully requested.

Entry of the amendment is earnestly solicited.

Respectfully submitted,



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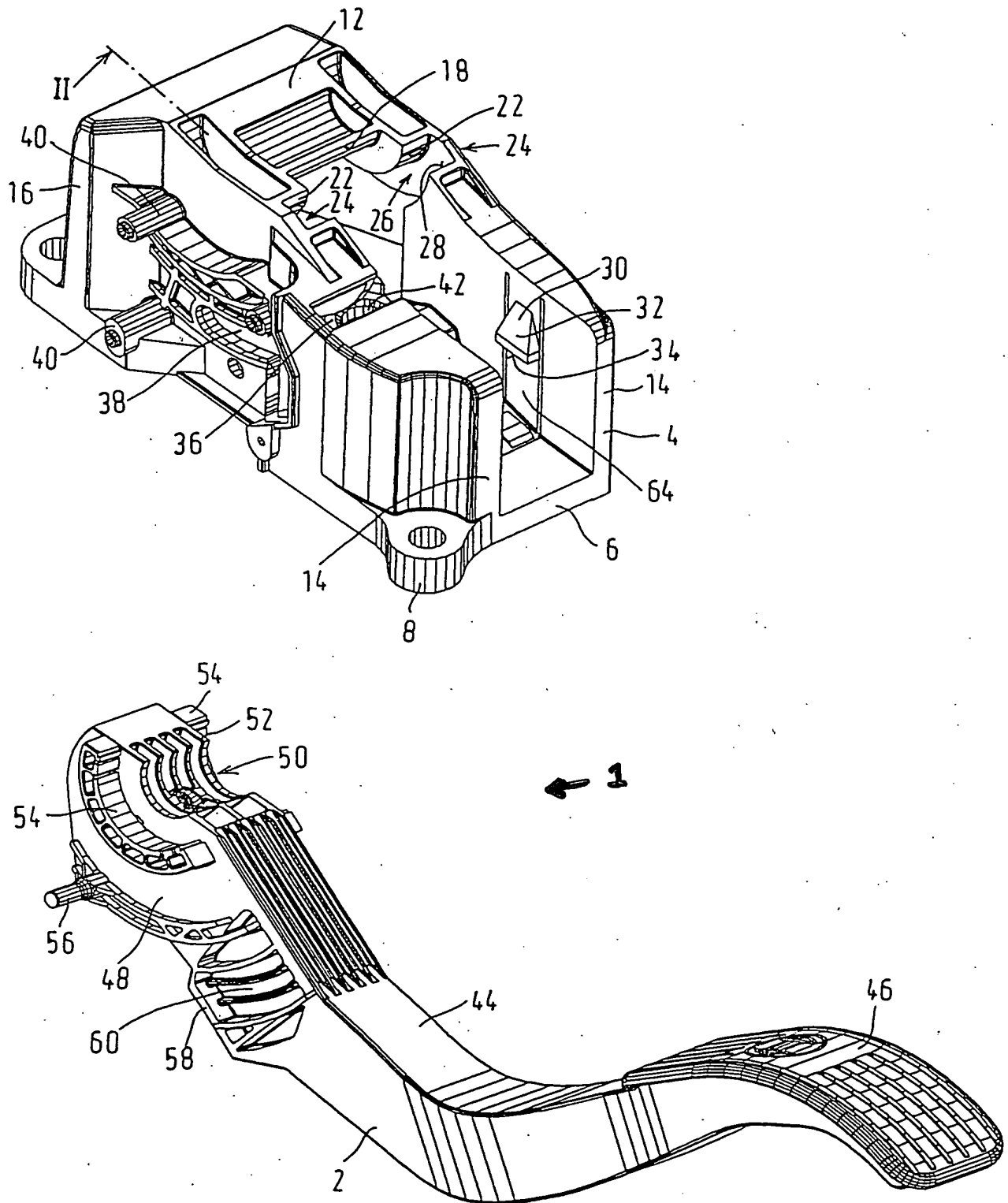


Fig. 1

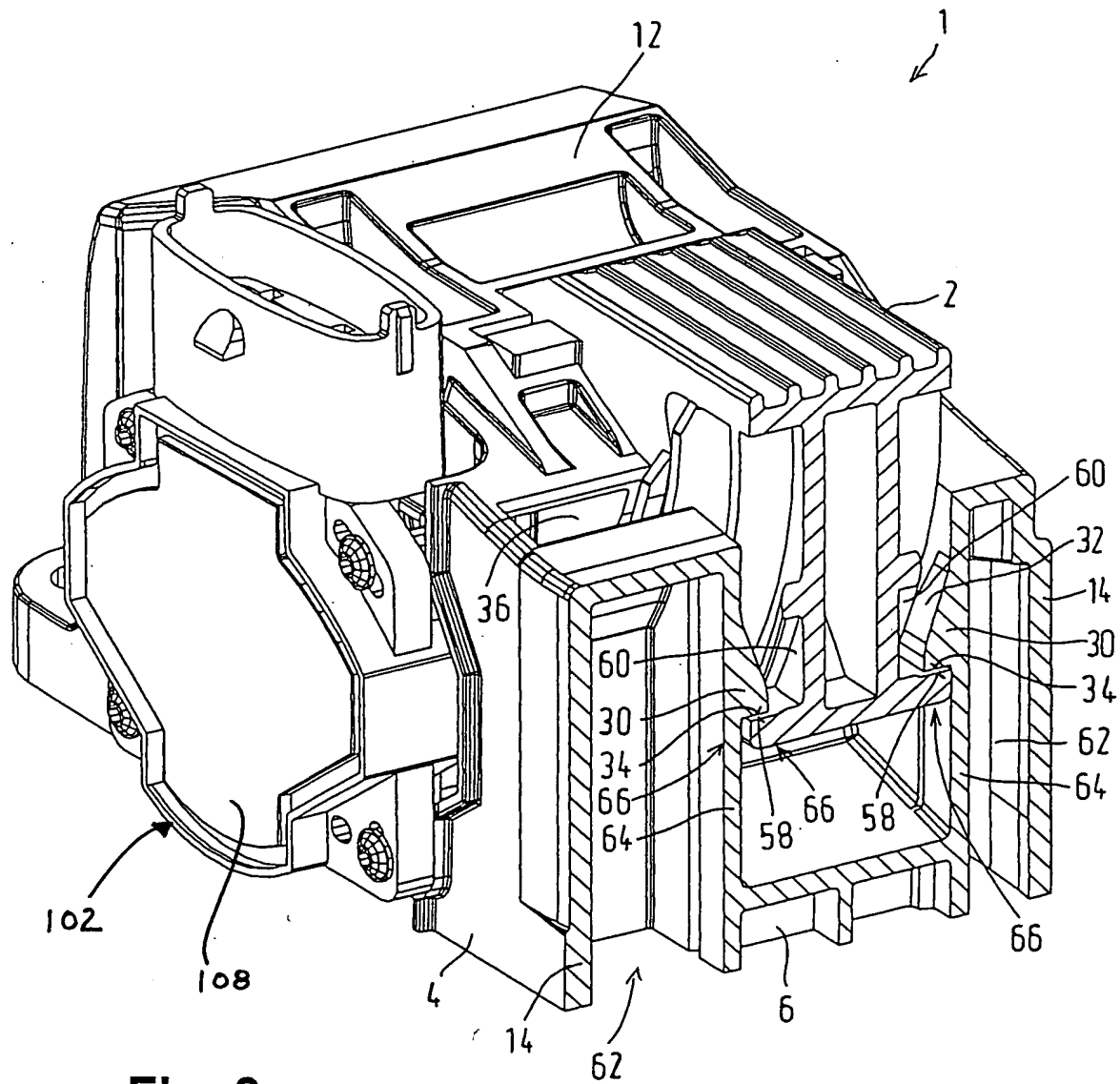


Fig. 3

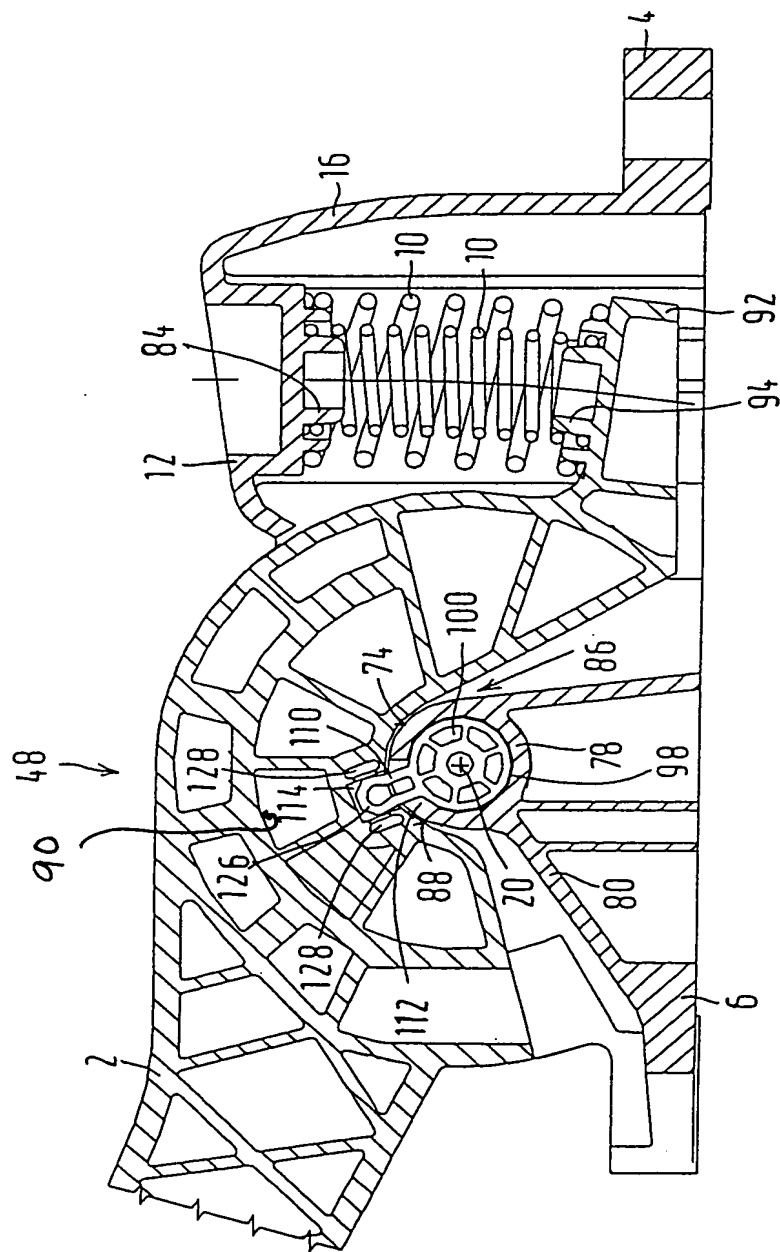


Fig. 7